

JOHN P. MURPHY.

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JUNE 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. McEWAN, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 9766.]

The Committee on Claims, to whom was referred the bill (H. R. 9766) for the relief of John P. Murphy, having carefully considered the same, beg leave to report same back to the House with the recommendation that it do pass, with bill amended by striking out in lines 3 and 7 the word "seven," and inserting in lieu thereof the word "three." The facts of the case are as follows:

In pursuance of a contract entered into by and between the Post-Office Department and one George Telford for general repairs to the post-office building, New York City, N. Y., work was being conducted under James Rossbotham, foreman for the contractor, on the 7th day of June, 1897. On said day the claimant, John P. Murphy, who was employed under said foreman, James Rossbotham, as plasterer's laborer, on the alterations in the interior of the post-office building, was engaged in conveying plastering material from the basement floor by the elevator belonging to the building. On one of the trips, when the car had reached the level of the third floor, which was its destination, the person in charge of the elevator attempted to stop the car, when it fell to the basement, a distance of about 60 feet, struck and rebounded several feet, and again fell to the bottom of the shaft, causing the claimant, John P. Murphy, permanent and serious injuries, incapacitating him from manual labor for the balance of his life, thereby depriving him of the actual means of the support of himself, wife, and child.

The accident in no wise is attributable to the contractor, his foreman, or the claimant, nor are they in any wise responsible for the same, but the accident was entirely due to the imperfect construction or operation of the elevator. The said elevator was the property of the Government, and was operated and managed entirely by the agent of the Government at the time of the aforesaid accident.

The claimant has no property or income, and is without ability to maintain his family.

